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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

-v-

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

-v-

CATHAY LIFE INSURANCE CO. LTD.,

Defendant.

Adv. Pro. No. 08-01789-CGM

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 11-02568-CGM

**CATHAY LIFE INSURANCE CO. LTD'S NOTICE OF JOINDER IN DEFENDANTS'
OPPOSITION TO THE TRUSTEE'S MOTION FOR ORDER AMENDING ORDER
APPOINTING A DISCOVERY ARBITRATOR PURSUANT TO BANKRUPTCY RULE
9019(c) AND GENERAL ORDER M-390**

Defendant Cathay Life Insurance Co. Ltd (“Cathay”), in Adv. Pro. No. 11-02568 (CGM), hereby objects to the *Motion for Order Amending Order Appointing a Discovery Arbitrator Pursuant to Bankruptcy Rule 9019(c) and General Order M-390*, filed in Adv. Pro. No. 08-01789 (CGM), ECF 23449, 23454 (“Trustee’s Motion”), by Irving H. Picard, as trustee for the liquidation of Bernard L. Madoff Investment Securities LLC and the estate of Bernard L. Madoff (“Trustee”), and joins in all aspects of the Opposition to the Trustee’s Motion, ECF 23516, filed by Objecting Defendants, except for ¶¶ 8, 19 (third sentence), 32-38 and the final sentence of the Conclusion paragraph.

Cathay is a party to one of the adversary proceedings, referred to by the Trustee as the Subsequent Transfer Cases, in which the Case Management Plan does not provide for mandatory discovery arbitration (see Adv. Pro. No.11-02568, ECF 142 ¶ 8), and as such, the fallback position advocated by Objecting Defendants in their Objection – that, at a minimum, the Court deny the Trustee’s Motion only with respect to adversary proceedings with previously entered Case Management Plans that (1) provide for mandatory discovery arbitration and (2) cite the existing Order Appointing Discovery Arbitrator – would not be adequate to protect the rights of Cathay, which is in all other relevant respects identically situated to Objecting Defendants.

Because the Trustee has failed to justify the modification to the Order Appointing Discovery Arbitrator he seeks, under either Rule 60(b)(5) or Rule 60(b)(6), the Trustee’s Motion should be denied in its entirety as to all defendants who are parties to the Subsequent Transfer cases.

Dated: September 6, 2023

Respectfully submitted,

AKERMAN LLP

/s/David Parham

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*Counsel for Defendant Cathay Life Insurance Co.,
Ltd.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this the 6th day of September, 2023, a true and correct PDF copy of the foregoing has been electronically filed with the Clerk of the Court using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

/s/David Parham

David W. Parham